

PUBLIC NOTICE

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE PROGRAM

Notice of Receipt of Petition for Rulemaking

Manual of Standards for Licensing of Ambulatory Care Facilities

Radiation Oncology

Radiation Oncology Services Quality Improvement Methods

Hospital Licensing Standards

Radiation and Radiation Oncology

Radiation Therapy Continuous Quality Improvement Methods

N.J.A.C. 8:43A-30.7 and 8:43G-28.19

Petitioner: Laura I. Thevenot, Chief Executive Officer, American Society for Radiation Oncology.

Take notice that on August 23, 2018, the Department of Health (Department) received a petition for rulemaking from Laura I. Thevenot, Chief Executive Officer, American Society for Radiation Oncology (ASTRO), Arlington, Virginia.

Substance or Nature of the Requested Rulemaking Action

The petitioner requests that the Department make certain amendments to the Manual of Standards for Licensing Ambulatory Care Facilities at N.J.A.C. 8:43A-30.7, Radiation oncology services quality improvement methods, and the Hospital Licensing

Standards at N.J.A.C. 8:43G-28.19, Radiation therapy continuous quality improvement methods.

Problem or Purpose of the Request

The petitioner requests that the Department make changes to N.J.A.C. 8:43A-30.7 and 8:43G-28.19, which currently require radiation oncology facilities to be accredited by either the American College of Radiology (ACR) or the American College of Radiation Oncology (ACRO). Specifically, the petitioner requests that the Department:

1. Amend N.J.A.C. 8:43A-30.7(b) and 8:43G-28.19(b) to include the ASTRO, or a program found equivalent by the Department, as alternative entities, additional to those the existing rules recognize, by which radiation oncology services and programs that ambulatory care facilities and hospitals operate are to obtain and maintain accreditation; and

2. Amend N.J.A.C. 8:43A-30.7(c) and 8:43G-28.19(c) to require ambulatory care facilities and hospitals to file accreditation certificates from the ASTRO, or a program found equivalent by the Department, within 45 days of receipt of a certificate, as the existing rules require with respect to accreditation certificates that the ACR and the ACRO issue.

The petitioner states that the existing rules “require radiation oncology facilities to be fully accredited by the [ACR] or the [ACRO], but do not [recognize] more recently created accreditation programs.” The petitioner states further that the ASTRO “is the largest radiation oncology society in the world, with more than 10,000 members who specialize in treating patients with radiation therapies. As the leading organization in

radiation oncology, biology and physics, the Society is dedicated to improving patient care through education, clinical practice, advancement of science and advocacy. ASTRO's highest priority has always been ensuring patients receive the safest, most effective treatments."

The petitioner asks the Department to include "ASTRO's Accreditation Program for Excellence (APEX®) as a recognized accrediting body." The petitioner states that "APEX® was created to support quality improvement in radiation therapy practice and establishes standards of performance derived from white papers and consensus practice guidance for radiation oncology."

In accordance with N.J.A.C. 1:30-4.2, the Department will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.